

REMARKS

The Examiner rejected Claims 14, 15, 17, 18, 25, 27, and 28 under 35 U.S.C. § 102(b) as being anticipated by Patent Number 5,666,908 (So). The Examiner rejected Claims 8-10 and 14-16 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner objected to Claims 19, 20, and 26 as depending from rejected base claims. Such rejections and objections are noted.

The Examiner allowed Claims 1-7, 11-13, and 21-24.

Initially, Applicants wish to thank the Examiner for the comprehensive examination made of the Application. It is apparent from the Examiner's comments that the Examiner reviewed the Application thoroughly and made the effort to understand Applicant's invention. Such effort is appreciated by the Applicants.

Claims 9 and 14 to 17 have been amended. Claims 29 and 30 have been added. Applicant respectfully submits that Claims 1-30 are allowable.

Rejections Under 35 U.S.C. § 102(b)

Addressing the Examiner's rejection of Claims 14, 15, 17, 18, 25, 27, and 28 under 35 U.S.C. § 102(b), Applicant respectfully suggests that So does not anticipate the claims of the present invention. Section 2131 of the Manual of Patent Examining Procedure describes the basis for anticipation under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

With respect to Claims 14, 15, 17, 18, 25, 27, and 28, the Examiner states:

The So patent discloses a method of training an animal including the steps of providing a receiver with a memory 231, modulating radio signals 112 with identity and stimulation level codes (column 3, lines 46-48, of So), utilizing the receiver to receive the radio signals 112 from a transmitter 110, demodulating

the signals to acquire the identify and stimulation codes (column 4, lines 17, 18, of So), coupling the received codes to a microprocessor 230 (column 4, lines 19, 20, of So) to determine whether an electrical stimulation is required (the presence of the codes, in essence, serving as a "request" for electrical stimulation, the absence of at least the identity code presumably resulting in a denial of stimulation), employing an oscillator 232 and control program 250 in memory 231 to generate a train of voltage pulses of width PW -- determined by the stimulation level code (column 4, lines 39-41, of So) -- and using the voltage pulses thus obtained to create current pulses, which are applied to animal collars.

Paper Number 20050110, Application Serial No. 10/750,289, at 2.

Claim 14

Claim 14 has been amended to reflect that "a plurality of pulse streams" is generated and then output to a switch array. It bears noting that the embodiment of Applicants' invention embodied in Claim 14 differs from the cited prior art (So) in that the processor outputs more than one pulse stream that connect to multiple inputs of a switch array that produces a current output.

So discloses a microprocessor **230** that "generate[s] voltage pulses at a specified pulse period (**PP**), with each voltage pulse having a pulse width (**PW**) determined by the stimulation level code in the transmitted control signal. The generated train of voltage pulses is coupled through buffer **258** at microprocessor output **236** to switching circuit **260**." So, Col. 4, lines 37-44; FIG. 2A. Accordingly, So does not disclose a switch array, which is a plurality of switching circuits. Neither does So disclose the processor outputting more than one pulse stream or train.

Applicants respectfully submit that amended Claim 14 is not anticipated by So. The Examiner's rejection under 35 U.S.C. § 112, second paragraph is discussed below.

Claim 17

Claim 17 has been amended to further include the step of "producing said electrical stimulation further including a step of outputting a plurality of pulse streams to a switch array that produces said current level."

Applicants respectfully submit that amended Claim 14 is not anticipated by So because, as described above with respect to Claim 14, So does not disclose a plurality

of pulse streams to a switch array. Having no further rejection of or objection to Claim 14, it is respectfully submitted that Claim 14 is in condition for allowance. Dependent Claims 15 and 16 are also in condition for allowance as depending from an allowable base claim.

Claim 25

Claim 25 includes the limitation that the pulse stream has "a fixed pulse width, a fixed frequency, and a fixed pulse voltage." That is, the one or more pulse streams have fixed characteristics regardless of the value of the current being generated. This limitation is not found in So.

As seen in Figure 3 of So, the pulse width **PW** varies from a narrow pulse width **360** generating a corresponding lower pulse voltage **380** to a wider pulse width **362** generating a corresponding higher pulse voltage **382**. So discloses that the "control program **250** . . . generate[s] voltage pulses at a specified pulse period (**PP**), with each voltage pulse having a pulse width (**PW**) determined by the stimulation level code in the transmitted control signal." So, Col. 4, lines 37-41. So adjusts the width of the pulses **380**, **382** to change the voltage of the output pulses **380**, **382** at the output of the transformer **272**. Accordingly, So does not disclose a pulse stream with a fixed pulse width for generating different current levels to be input to the pulse transformer.

Applicants respectfully submit that Claim 25 is not anticipated by So. Having no further rejection of or objection to Claim 25, it is respectfully submitted that Claim 25 is in condition for allowance. Dependent Claims 26, 27, and 28 are also in condition for allowance as depending from an allowable base claim.

Rejection Under 35 U.S.C. § 112, second paragraph

The Examiner rejected Claims 8-10 and 14-16 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claims 8 to 10, the Examiner states that the "said receiver" identified in Claim 8 has no antecedent basis. Claim 8 has been amended to correct this typographical error by changing "said" to "a." The Examiner stated that the claim would be allowable if the antecedent basis problem was corrected. Applicants

respectfully submit that amended Claim 8 is in condition for allowance. Dependent Claims 9 and 10 are also in condition for allowance as depending from an allowable base claim.

With respect to Claims 14 to 16, the Examiner rejected Claim 14 under 35 U.S.C. § 112, second paragraph as being indefinite because Claim 16 recites "the apparatus of Claim 14" in the preamble whereas Claim 15 recites "the method of Claim 14;" therefore, it is indeterminate whether Claim 14 is an apparatus or method claim. The Examiner also rejected Claim 15 for "said coded signal" lacking antecedent basis. Applicants thank the Examiner for pointing out these typographical errors in referring to other claims.

Claim 14 is drafted as a Beauregard Claim, that is, a claim for computer-readable media. This type of claim was permitted by the Court in *In re Beauregard*, 53 F.3d 1583, 35 U.S.P.Q.2d 1383 (1995). See United States Patent Number 5,710,578, issued to Beauregard, *et al.* As such, Claim 14 is an apparatus claim that includes a memory medium with software programmed to perform a process.

However, the claims depending from Claim 14 do not accurately reflect that Claim 14 is an apparatus claim. Accordingly, the preamble of Claim 15 has been amended to reflect that Claim 14 is an apparatus claim. Claim 15 has also been amended to correct the antecedent basis for the coded signal. The preamble of Claim 16 has been amended to clarify that the claim is adding steps to the process embodied in the memory medium. These amendments correct typographical errors in drafting the claims and do not serve to add limitations or narrow the claims. Applicants respectfully submit that the scope of the claims is unchanged by the amendments.

Having no further rejection of or objection to Claim 14, it is respectfully submitted that Claim 14 is in condition for allowance. Dependent Claims 15 and 16 are also in condition for allowance as depending from an allowable base claim.

New Claims

The Examiner objected to Claims 19, 20, and 26 as depending from a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Because Claim 17 has been

amended and Applicants desire to retain the original scope of the dependent claims, the dependent claims were rewritten in independent form including the limitations originally submitted in Claim 17. New Claim 29 includes the limitations of independent Claim 17 and dependent Claim 19. There are no intervening dependent claims. New Claim 30 includes the limitations of independent Claim 17 and dependent Claim 20. There are no intervening dependent claims. Applicants choose not to rewrite Claim 26 at this time because applicants believe independent Claim 25, from which Claim 24 depends, is an allowable claim, as described above.

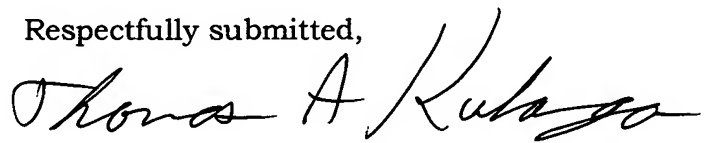
Applicants respectfully submit that new Claims 29 and 30 are allowable.

Conclusion

In view of the amendment of Claims 8 and 14 to 17 and the addition of new Claims 29 and 30, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910 (29105.00).

Respectfully submitted,



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